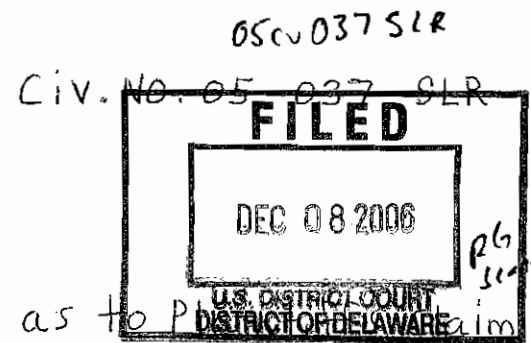


In the United States District Court of Delaware

Harry L. Samuel,  
Plaintiff,  
v.

First Correctional Medical  
et al.,  
Defendants.



Plaintiff Motion for Reconsideration as to Plaintiff's Claim  
for Injuries Sustained While Handcuffed during Treatment and  
Being handcuffed in the rear during Dental Treatment; State Def..

1. Plaintiff, ask this Court for Reconsideration Regarding Court order (Memorandum Opinion) Dated: December 4, 2006
2. Plaintiff Claimed Crule and unusual Punishment violation of 8th amendment for being handcuffed in the rear during Treatment and Pain and Suffering.  
Routine, rules, and regulations done in a way that inflict Pain (in the rear)
3. Plaintiff Submit to the U.S. District Court that Plaintiff While in \*MHU Maximum did not have to wear handcuffs everywhere Plaintiff went. Plaintiff was allowed to walk around Freely without handcuffs. It was only during Dental Treatment/examination that the Plaintiff was handcuffed. the Plaintiff was allowed to be around staff and other Inmates uncuffed with no handcuffs or shackles Plaintiff argue that this Policy of handcuffing Plaintiff, during dental Treatment/examination was done in a way that causes the Plaintiff undue Physical discomfort, inflicted Physical Pain and restricted Plaintiff blood circulation. Plaintiff did not have to be handcuffed to the shower.
4. Plaintiff, Submit to the U.S. District Court that it was when Plaintiff was moved to SHU Maximum is when Plaintiff was handcuffed everywhere Plaintiff went to Shower, etc..
5. Plaintiff, Submit to the U.S. District Court that Plaintiff Claim was not Prison official used excessive Physical force.

6. As Plaintiff, exhibited to the court Plaintiff's good Behavior before Plaintiff was Placed in MHU Maximum. Exhibit - 1 and Exhibit - 2. Plaintiff worked in the MHU Kitchen for over 2 Years unhandcuff. Then Plaintiff was Classified out of MHU, and to the Compound. the MHU was not Maximum, the MHU was the Privileged workers Tier where Plaintiff could not be on the tier or work if Plaintiff had a write up for bad Behavior.
7. While Plaintiff was waiting to be moved out of MHU to the Compound all other workers was moved and the MHU workers Tier which was not Maximum was made into Maximum and Plaintiff was left on the tier that became MHU Maximum for no reason. Plaintiff APPEaled but no response exhibited to court. This is the time during Plaintiff delayed Treatment and hand-cuffing during Treatment. Disciplinary can not be Grievance but APPEaled.
8. Next Plaintiff, still had good behavior in MHU, in MHU now Maximum (change from MHU Privilege into MHU Maximum, However, Plaintiff was move from MHU Maximum where Plaintiff, did not have to be handcuff to SHU, Maximum where Plaintiff had to be handcuffed everywhere Plaintiff went Plaintiff was moved SHU Maximum for no reason.
9. This is the reason why Plaintiff requested in Plaintiff Discovery number 8, state the reason Plaintiff was Put in Restraints during Dental Treatment. Exhibit - 1 and Exhibit - 2.

### Conclusion

for the reasons herewith in (5 and 3) Plaintiff ask the U.S. District Court for Recosideration as to handcuffed during Treatment and Injuries Plaintiff, Sustained while handcuffed during Treatment.

Plaintiff understanding of the court Memorandum Opinion is that Plaintiff claim(s) in regard to First Correctional Medical, is still Pending.

Date:

Respectfully Submitted  
Very truly yours  
Harry L. Samuel, pro se

## DELAWARE CORRECTIONAL CENTER

SMYRNA, DELAWARE

HOUSING REPORTINMATE'S NAME: Harry L. Samuel SBI #: 00201360 DATE: 06/19/04

ITEMS TO BE RATED	RATING	KEY TO RATINGS
QUARTERS NEATNESS <u>Harry Samuel always keeps a clean cell</u>	A	A - EXCELLENT B - GOOD C - AVERAGE E - POOR D - FAIR
PERSONAL HYGIENE <u>Harry Samuel takes personal pride in his personal hygiene</u>	A	
RESPECT FOR OTHERS PROPERTY <u>I have never seen Harry even ask to borrow other people's property</u>	A	
CARE OF STATE PROPERTY <u>Harry currently works in the kitchen and is not only ensures the state property in his cell is taken care of, but the property in the kitchen also</u>	A	
FOLLOWS DIRECTIONS <u>Harry will do just about anything that any staff member will ask of him</u>	A	
HOW DOES HE GET ALONG WITH FELLOW INMATES? <u>His fellow inmates respect Harry, and he even has been seen instructing new inmates on the rules and policies of the institution.</u>	A	
PERSONAL ATTITUDE DAILY <u>Harry has always greeted me with a smile and a "Good morning sir, how are you today?"</u>	A	
WORK ABILITY AND HABITS <u>Harry always reports to his assigned work details on time, and is very diligent in ensuring that the task at hand gets accomplished in a timer manner.</u>	A	

REMARKS: I have known inmate Harry Samuel for at least the past 8 years during his incarceration at the Delaware Correctional Center. I first met Harry in the old Maximum Security Unit (MSU), now currently in the Maximum Housing Unit (MHU). Harry has always shown a positive attitude toward my staff and myself. I have not seen as much as a minor infraction while I was on duty. Harry is a hard worker, with a need to work and keep busy. Regardless of the task given, Harry will get it completed without complaining and with personal pride.

I do not know what Harry's criminal history is, but his history while incarcerated has been truly towards the positive. Some may call him an "ideal inmate". If pardoned, I believe Harry can take what he has learned during his incarceration, and become a productive and positive citizen of his community.

  
RATER'S SIGNATURE

Jeffrey A Carrothers, Lieutenant, MHU, DCC  
RATER'S TITLE

FORM #: 436-A  
REVISED: 8/95  
2-part NCR

Exhibit - 1

Delaware Department of Corrections  
**Board of Parole**

February 13, 2004

To Whom It May Concern:

I have known I/M Harry Samuel for almost 2 years now as a worker in the Mhu Kitchen at DCC. I have found this employee to be very hard working and will take charge when tasks are given to him. Harry is always at work and is a very reliable worker. As a person, he gets along well with those around him and is always willing to help those in need.

I would recommend this inmate Harry Samuel for parole.

Sincerely,

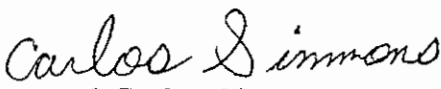
  
Corporal Carlos Simmons (FSSI)

Exhibit - 2

Certificate of Service

I, Harry Samuel, hereby certify that I have served a true and correct cop(ies) of the attached: Reconsideration Motion on Injuries and handcuffed during Treatment upon the following parties/person (s): oposing Counsel

TO: OPhelia M. Waters  
State of Delaware  
Department of Justice  
State of fice Building  
Wilmington, Delaware  
19801

TO: \_\_\_\_\_  
\_\_\_\_\_  
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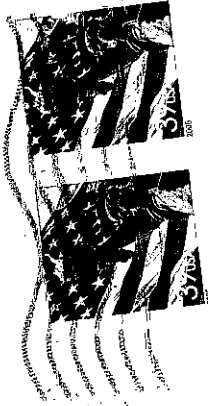
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BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 7<sup>th</sup> day of December, 2006

Harry L. Samuel, pro se



WILMINGTON DE 197  
07 DEC 2006 PM 1 L

IM Harry Samuel  
SBI# 201360 UNIT 23, B, 2, U  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

TO: Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware  
19801-3570

legal mail